IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1555 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/09/2004 in WP NO : 16590 OF 2004 on the file of the High Court.)

Between:

1. Sathavahana College, rep.by its Correpondent Y.Lokanatha Sarma S/o Y.Adinarayana Sarma, aged about 66 yrs, R/o Seetharampuram, Vijyawada, Kirshan District
2 Sathavahana College, Vijayawada, Krishna District rep.by its Princial V.enkata Krishna Rao S/o Ramadas, aged about 58 yrs, R/o Vijayawada, Krishna District.

.... APPELLANTS

AND

1. Government of Andhra Pradesh, rep. by its Secretary, College Education Secretariat Buildings, Hyderabad .
2 The Commissioner of College, Education, Government of Andhra Pradesh , Hyderabad.
3 The Regional Joint Director of College Education & Competent Authority, Rajahmundry, East Godavari District.
4 The Principal, SRR & CVR. Goverment Degree College Vijayawada, Krishna District.
5 Ch.Vara Prasad, S/o Prabhakar Rao, aged 50 years, Lecturer in

Commerce, Seetharampuram, Vijayawada, Krishna District.

.....RESPONDENTS

Counsel for the Appellants : MR.G.VENKATESWARA RAO

Counsel for the Respondents 1 to 4 :GP FOR HIGHER EDUCATION

Counsel for the 5th respondent: MR. V.S.R. ANJANEYULU

The Court at the admission stage, made the following :

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JUDGMENT: (Per the Honourable Sri Justice B. Seshasayana Reddy)

This writ appeal is directed against the order dated 16.9.2004 passed in W.P. No.16590 of 2004 by the learned single Judge.

The fifth respondent was a lecturer in the appellant-Management college. He was placed under suspension from 15-5-2004. Pending Departmental enquiry for a period of two months. The Management addressed a letter to the third respondent herein seeking extension of suspension period for a further period of two months. But the third respondent refused to extend the period of suspension and directed the appellant-Management to reinstate the 5th respondent. As the 5th respondent has not been reinstated, he filed Writ Petition No.16590 seeking the following relief.

> *"declaring the action of the respondents 5 and 6 as illegal and ultra vires to the provisions of Article 14 of the Constitution of India and also the mandatory provisions of the A.P. Education Act and the Rules framed thereunder on the subject from time to time, besides directing to implement the directions given by the respondent No.3 through his proceedings bearing Rc.No.851/B1/2004 dated 10-8-2004 with all financial and consequential benefits as applicable to the facts of the case in the light of the respective provisions of the Statue."* The appellant management filed counter resisting the relief sought for by the 5th respondent herein."

The learned single Judge, on hearing both sides, allowed the Writ petition by an order dated 16-9-2004 directing the appellants herein to permit the writ petitioner-5th respondent herein to resume duty. Assailing the order passed in W.P. No.16590

of 2004, the respondents 5 and 6 therein have filed this Writ Appeal.

The learned counsel for the appellants submits that the enquiry has been completed and the proposals have been sent to the third respondent seeking approval with regard to the imposition of the punishment of the removal of the 5th respondent herein and thus his reinstatement by revoking suspension does not arise.

The issue for consideration is:

Whether the direction given to the appellants herein by the 3rd respondent is legal and proper?

Admittedly, under Rule 79 of the A.P. Education Act, the employee cannot be kept under suspension for more than two months. Two months period has been expired by 15-7-2004. Therefore, keeping the 5th respondent under suspension beyond the stipulated period without the approval of the 3rd respondent is contrary to the provisions of A.P. Education Act. The learned single Judge considering the provisions of Section 79 of the A.P. Education Act recorded a finding that the direction given to the appellants herein is legal and proper. We do not see any ground to interfere with the order of the learned single Judge.

Accordingly, the Writ appeal fails and dismissed at the admission stage.

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Justice T.Meena Kumari

16th December, 2004

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Justice B.Seshasayana Reddy

Dvs/Gurc

Copies to:

1 Government of Andhra Pradesh, rep. By its Secretary, College

Education Secretariat Buildings, Hyderabad .

2 The Commissioner of College, Education, Government of Andhra

Pradesh , Hyderabad.

3 The Regional Joint Director of College Education & Competent

Authority, Rajahmundry, East Godavari District.

4 The Principal, SRR & CVR. Government Degree College

Vijayawada, Krishna District.

5. Two CCs to the GP for Education, High Court Buildings,

Hyderabad.(OUT)

6. Two CD copies.

THE HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO.1555 OF 2004

(Judgment delivered by

the Honourable Sri Justice B. Seshasayana Reddy)

16th December, 2004